

## CONGRESSIONAL RECORD SUMMARY

Friday, March 15, 2002

### HOUSE

*The House was not in session today. Its next meeting will be held on Monday, March 18, 2002, at 2:00 p.m.*

#### Congressional Program Ahead. Week Of March 18 through March 23, 2002:

**Committee on Appropriations**, 3/20/02 @ 10:00 a.m. Subcommittee on Commerce, Justice, State and Judiciary, on DEA. H-309 Capitol.

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Committee on Education and the Workforce, 3/20/02 @ 10:30 a.m. To mark up the following bills: **H.R. 3762**, Pension Security Act of 2002; and **H.R. 3839**, Keeping Children and Families Safe Act of 2002. 2175 Rayburn.

**Committee on Energy and Commerce**, 3/20/02 @ 10:00 a.m. Subcommittee on Health, hearing entitled "*Medicare Modernization: Examining the Federal Employees Health Benefit Program as a Model for Seniors.*" 2322 Rayburn.

**Committee on Financial Services**, 3/20/02 @ 10:00 a.m. To continue hearings on **H.R. 3763**, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002. 2128 Rayburn.

**Committee on Financial Services**, 3/21/02 @ 10:00 a.m. Subcommittee on Oversight and Investigations, hearing entitled "*The Effects of the Global Crossing Bankruptcy on Investors, Markets, and Employees.*" 2220 Rayburn.

**Committee on Government Reform**, 3/21/02 @ 1:00 p.m. Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "*Combatting Terrorism: Protecting the United States--Part II.*" 2247 Rayburn.

**Committee on Government Reform**, 3/21/02 @ 2:00 p.m. Subcommittee on Technology and Procurement Policy, hearing on "*Turning the Tortoise Into the Hare: How The Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government.*" 2154 Rayburn.

**Committee on Government Reform**, 3/22/02 @ 9:00 a.m. Subcommittee on the District of Columbia, hearing on "*Privacy vs. Security: Electronic Surveillance in the Nation's Capital.*" 2154 Rayburn.

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**Committee on Rules**, 3/19/02 @ 5:00 p.m To consider the following: the Concurrent Resolution on the Budget for Fiscal Year 2003. H-313 Capitol.

**Committee on Transportation and Infrastructure**, 3/20/02 @ 10:00 a.m. Subcommittee on Coast Guard and Maritime Transportation, to mark up the Maritime Transportation and Antiterrorism Act of 2002. 2253 Rayburn.

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### SENATE

**Measure Introduced:**

**S. 2020. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.**

*"... Included in this Department would be, for example, the U.S. Customs Service, the U.S. Coast Guard, large elements of the Immigration and Naturalization Service, including, of course, Border Patrol, and elements of the DEA which have responsibility for border security in the area of drugs, and the Agriculture Quarantine Inspection Program, which obviously controls food that comes into the country. The result of putting all these groups together in one management structure will be that there will be, hopefully, a coordinated approach to managing our borders. It doesn't guarantee it. But it is very clear that the system we have today, because of the lack of coordination, because of the overlapping authority, because of the turf issues, and because of the lack of centralized directional command is not working..."*

Gregg

*Pages S 1974-6*

**S. 517. Energy Policy Act:**

**Senate continued consideration of S. 517**, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

*Pages S 1961-2, D 242*

**Pending:**

**Daschle/Bingaman Further Modified Amendment No. 2917**, in the nature of a substitute.

*Pages S 1961, D 242*

**Feinstein Amendment No. 2989 (to Amendment No. 2917)**, to provide regulatory oversight over energy trading markets.

*Pages S 1961, D 242*

**Lott Amendment No. 3028 (to Amendment No. 2917)**, to provide for the fair treatment of Presidential judicial nominees.

*Pages S 1961, D 242*

**Nomination--Agreement:**

**A unanimous-consent agreement was reached providing for consideration of the nomination of Randy Crane, to be United States District Judge for the Southern District of Texas, at 5:30 p.m., on Monday, March 18, 2002, with a vote to occur thereon at approximately 6 p.m.**

*Pages S 1981, D 242*

**Executive Communication:**

**EC-5734.** A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, *transmitting, pursuant to law, the report of a rule entitled "Exemption Amendments Under 18 U.S.C. 208(b)(2)"* (RIN3209-AA09) received on March 14, 2002; to the Committee on Governmental Affairs.

*Page S 1973*

**Nomination Confirmed:**

**Senate confirmed the following nomination:**

***By unanimous vote of 90 yeas (Vote No. EX. 51), David C. Bury, of Arizona, to be United States District Judge for the District of Arizona.***

*Pages S 1959-61, S 1983, D 242*

*"... Today, the Senate is voting on the 41st judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Democrats became the majority party in the Senate. With the confirmation of David C. Bury to the U.S. District Court for the District of Arizona, the Senate will have resolved 6 judicial emergencies since we returned to session just a few short weeks ago and 11 since I became chairman this past summer. As of this week, the Senate has confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under Republican leadership. The number of judicial confirmations over these past 9 months--41--exceeds the number of judicial nominees confirmed during all 12 months of 2000, 1999, 1997, and 1996..." (Leahy, pages S 1959-60)*

**Committee Meetings:**

**Committee on the Judiciary:** On Thursday, March 14, committee ordered favorably reported the following business items: S. 1356, to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II, with an amendment in the nature of a substitute; *the nominations of Don Slazinik, to be United States Marshal for the Southern District of Illinois, and Kim Richard Widup, to be United States Marshal for the Northern District of Illinois. Also, with respect to the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, the committee failed to adopt the motion to report the nomination favorably, the motion to report the nomination without recommendation, and the motion to report the nomination unfavorably.*

**Committee on the Judiciary:** On Thursday, March 14, committee concluded hearings to examine competition, innovation, and public policy concerning digital creative works.

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**Congressional Program Ahead. Week Of March 18 through March 23, 2002:**

**Committee on Appropriations:** 3/20/02 @ 10:30 a.m. Subcommittee on Legislative Branch, *to hold hearings on proposed budget estimates for fiscal year 2003 for the General Accounting Office, Congressional Budget Office, and Government Printing Office.* SD-124.

**Committee on Appropriations:** 3/20/02 @ 1:30 p.m. Subcommittee on Treasury and General Government, *to hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget.* SD-192.

**Committee on Appropriations:** 3/21/02 @ 10:00 a.m. Subcommittee on Commerce, Justice, State, and the Judiciary, *to hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.* SD-124.

**Committee on Appropriations:** 3/21/02 @ 2:30 p.m. Subcommittee on District of Columbia, *to hold hearings on proposed budget estimates for fiscal year 2003 for the District of Columbia Courts, Court Services, and Offender Supervision Agency.* SD-192.

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**Congressional Program Ahead. Week Of March 18 through March 23, 2002 (Cont'd.):**

**Committee on Banking, Housing, and Urban Affairs:** 3/19/02, 3/20/02 & 3/21/02 @ 9:30 a.m. & 10:00 a.m. Full Committee, to continue oversight hearings to examine accounting and investor protection issues

raised by the fall of the Enron Corporation and by other public companies. SD-538 & SH-216.

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**Committee on Governmental Affairs:** 3/18/02 & 3/19/02 @ 9:30 a.m. & 10:00 a.m. Subcommittee on International Security, Proliferation and Federal Services, *to hold hearings on Federal workplace reform proposals.* SD-342.

**Committee on Health, Education, Labor, and Pensions:** 3/20/02 @ 10:00 a.m. Full Committee, business meeting to mark up **S. 1992, to amend the Employee Retirement Income Security Act of 1974** to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic settings. SD-430.

**Committee on the Judiciary:** 3/19/02 @ 10:00 a.m. *To hold hearings to examine pending judicial nominations.* SD-226.

**Committee on the Judiciary:** 3/20/02 @ 10:00 a.m. Subcommittee on Technology, Terrorism, and Government Information, *to hold hearings to examine identity theft and information protection.* SD-226.

**Committee on the Judiciary:** 3/21/02 @ 10:00 a.m. Full Committee, to hold hearings to examine reform of the Federal Bureau of Investigation, focusing on lessons learned from the Oklahoma City bombing. SD-226.

**Committee on the Judiciary:** 3/21/02 @ 2:00 p.m. Subcommittee on Crime and Drugs, to hold hearings to examine homeland defense, focusing on assessing the needs of local law enforcement. SD-226.

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**Remarks:**

**The Pickering Nomination.**

*"...When this session of Congress began, the Senator from Vermont, who now chairs the Judiciary Committee, made it clear he had an extra-constitutional test he would apply to every judge. That is, he insisted we have the statement of the American Bar Association before us before we even consider a judge. [ ] But I hope, in courtesy to the Senate, that he and the other members of Judiciary Committee who voted against Judge Pickering will disclose their extra-constitutional test. They did at the beginning of the session. They said, in response to the President, they would not consider him until we have a rating from the American Bar Association. That is an extra-constitutional test we will openly and directly apply. It is clear from what has happened to Judge Pickering that there is now another extra-constitutional test being applied in secret, that is being applied in camera, and that is being applied in the dark. Those of us who are unaware of what it is are, therefore, unable to discuss it and unable to talk about it or direct our concerns toward it..."*

Bennett

*Page S 1962*

**Remarks (Cont'd.):**

**The Nomination Of Charles Pickering, Sr.**

*"...Yesterday Senators on the Judiciary Committee received a letter from three dozen members of the House of Representatives, including the former chairman of the House Judiciary Committee, Mr. Hyde.*

*House Members asked that the Judiciary Committee repudiate extreme liberal, left-of-mainstream special interest groups that have raised Judge Pickering's religious views as an issue, going so far as to attack Judge Pickering for a speech he gave on the Bible when he was president of the Mississippi Southern Baptist Convention..."*

Hatch

*Pages S 1965-7*

**Commending Senator Leahy And The Judiciary Committee.**

*"... Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are, regrettably, ignoring recent history. At the end of the 106th Congress, December 15, 2000, there were 76 vacancies on the Federal courts. There were 80 when President Bush took office. There were an unusual number of retirements taken by Federal judges during the first 6 months of this Republican President. By the time the Senate was permitted to reorganize after change in minority, the number reached 111. Since then, 41 judicial nominees have been confirmed, and another one was confirmed this morning. there will be another one on Monday. There are currently nine vacancies due to retirements and deaths, but our rate of confirmation is greater than the rate of attrition. We have made more progress than was made in 4 of 6 years of Republican leadership..."*

Reid

*Pages S 1967-9*

**States With More Guns Have More Gun Deaths Among Children.**

Levin

*Pages S 1969-70*

**Next SENATE MEETING: Monday, 3:00 p.m., March 18, 2002.**

**Next HOUSE MEETING: Monday, 2:00 p.m., March 18, 2002.**

**OLA: S. Schwarz, A. Santos**